

Steven A. Miller, OSB# 070654  
Diane M. Meyers, OSB# 110251  
GRAHAM & DUNN, PC  
Pier 70 ~ 2801 Alaskan Way Suite 300  
Seattle, Washington 98121-1128  
Telephone: (206) 624-8300  
Facsimile: (206) 340-9599  
Attorneys for Bank of America, N.A.

Honorable Thomas M. Coffin

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

BANK OF AMERICA, N.A., a national banking  
association

Plaintiff,

vs.

DIAMOND WEST LUMBER COMPANY,  
LLC, et al.,

Defendants.

Case No. 09-06375-TC

STIPULATION AND ORDER TO DISMISS

**STIPULATION**

IT IS HEREBY STIPULATED by and between the plaintiff Bank of America, N.A., and defendants Harrison Properties, LLC, Diamond West Holdings, Inc., Diamond West Properties, LLC, and Home Federal Bank (collectively, the "Defendants"), that the above-entitled matter against Defendants may be dismissed with prejudice and without costs.

DATED this 6<sup>th</sup> day of January, 2012.

GRAHAM & DUNN, PC

By /s/Steven A. Miller  
Steven A. Miller, OSB# 070654  
Diane M. Meyers, OSB# 110251  
Attorneys for Plaintiff Bank of America, N.A.

ARNOLD GALLAGHER, et al.

By /s/Andrew P. Parks  
Andrew P. Parks, OSB# 024161  
Attorneys for Home Federal Bank, successor in  
interest to Liberty Bank

STIPULATION AND ORDER TO DISMISS -- 1

GAYDOS CHURNSIDE & BALTHROP, PC

GLEAVES SWEARINGEN POTTER &  
SCOTT, LLP

By/s/Donald J. Churnside

Donald J. Churnside, OSB# 791876  
Attorneys for Diamond West Holdings, L.L.C.

By/s/Cassie K. Jones

Cassie K. Jones, OSB# 083806  
William H. Martin, OSB# 74206  
Attorneys for Harrison Properties, L.L.C. and  
Diamond West Properties, L.L.C.

**ORDER**

THIS MATTER having come before the undersigned on the foregoing stipulation of the parties, the Court being fully advised on the premises, it is hereby

ORDERED, ADJUDGED AND DECREED that all claims in this matter against defendants Harrison Properties, LLC, Diamond West Holdings, Inc., Diamond West Properties, LLC, and Home Federal Bank are hereby dismissed with prejudice and without costs to any party.

DONE IN OPEN COURT this 6<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
JUDGE

STIPULATION AND ORDER TO DISMISS -- 2